

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

**JAKALA WILLIAMS and
JUSTIN WILLIAMS**

17-14415-JDW

NOTICE OF TRUSTEE'S MOTION TO MODIFY CONFIRMED PLAN

Should any party receiving this notice respond or object to said motion, such response or objection is required to be filed on or before June 13, 2019, using the CM/ECF system or with the Clerk of this Court at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

and a copy must be served on the undersigned Chapter 13 Trustee. If no responses are filed, the Court may consider said motion immediately after the time has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the following attorneys of record and/or parties of interest.

Dated: May 10, 2019

**LOCKE D. BARKLEY,
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
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IN THE UNITED STATES BANKRUPTCY COURT FOR
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IN THE MATTER OF:

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MOTION TO MODIFY CONFIRMED PLAN

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”), by and through counsel, and files this Motion to Modify Confirmed Plan (the “Motion”). The recipient(s) of the Motion have 30 days, subject to Fed. R. Bankr. P. 9006(f), in which to file a response or objection. In support of the Motion, the Trustee states as follows:

1. The Chapter 13 Plan was confirmed by Order of this Court and entered on April 9, 2018, for a term of 60 months (Dkt. #31) (the “Confirmed Plan”). The Confirmed Plan does not provide for a distribution to nonpriority unsecured creditors.

2. The Confirmed Plan provides for payment of the secured claim of Conns Appliances (the “Creditor”) over the term of the Confirmed Plan, but as of this date the Creditor has failed to file a proof of claim. The time period for the filing of claims has passed.

3. The Trustee requests that the Confirmed Plan be modified to remove the claim of the Creditor and to use the funds proposed for the claim of the Creditor for a *pro rata* distribution to nonpriority unsecured creditors with timely filed and allowed proofs of claim.

4. The plan payment should remain unaltered.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and an opportunity for hearing that this Court enter its order granting the Motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: May 10, 2019

Respectfully submitted,

**LOCKE D. BARKLEY,
CHAPTER 13 TRUSTEE**

By: /s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Conns Appliances
Legal Department
Post Office Box 2358
Beaumont, TX 77704

Dated: May 10, 2019

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN